

LAKE ERIE FROZEN FOODS
MANUFACTURING COMPANY

V.

Defendants.

ORDER

Lake Erie agrees that the Staples cardholder agreement was “legitimately executed . . . and therefore . . . should be enforced.” [Doc. [14](#), at 2.] It disputes, however, that the Office Depot cardholder agreement was agreed upon by both parties. Accordingly, the Court grants in part the Defendants’ motion to compel arbitration. The claims relating to the Staples account must go to arbitration. The Court reserves judgment on the remainder of the Defendants’ motion. The Court will revisit Citigroup’s motion to compel arbitration on the Office Depot credit card account after the parties have had opportunity to conduct discovery on whether Plaintiff clothed its employee with apparent authority to enter the agreement containing the arbitration provision or whether Plaintiff

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ratified the agreement.

IT IS SO ORDERED.

Dated: September 22, 2011

s/ *James S. Gwin*
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE